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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JOHNNY KENDRICK,	)	
	)	
Plaintiff,	)	Case No:2:18-cv-00781-JAD-GWF
	)	
vs.	)	
	)	
CLARK COUNTY, a political subdivision of	)	<b><u>STIPULATION AND PROPOSED</u></b>
the State of Nevada,	)	<b><u>PROTECTIVE ORDER</u></b>
	)	
Defendant.	)	

Plaintiff Johnny Kendrick, by and through his counsel of record, Victoria L. Neal, Esq. of the law firm Kemp & Kemp and Defendant Clark County, by and through its attorney Deputy District Attorney Scott Davis hereby agree and stipulate as follows:

- The parties enter into this Stipulation and Protective Order under Federal Rule of Civil Procedure 26(c) to establish procedures for the handling of documents produced by the parties in response to discovery requests.
- This Stipulation and Protective Order establishes the parameters for disclosure and use of confidential documents. The categories of documents subject to this Stipulation and Protective Order are those documents that are considered to be confidential documents pursuant to federal, state or local law, including without limitation:
  - Employee personnel files of Clark County employees. Clark County Ordinance 2.40.040; Clark County Merit Personnel Policy I § III(F).

1           b.     Investigation Files of the Clark County Office of Diversity. Nev. Rev. Stat.  
2 613.075; Nevada Local Government Retention Schedule LRDA # 20071323.<sup>1</sup>

3     3.     Any party may designate and mark documents that the party believes to be within the  
4 scope of this Stipulation and Protective Order and that produced in response to discovery  
5 requests as “CONFIDENTIAL” or “SUBJECT TO PROTECTIVE ORDER.” The party  
6 designating such documents shall be referred to as the Designating Party and any party in  
7 receipt of such documents shall be referred to as the Receiving Party. Documents so marked  
8 may be used only for purposes of this litigation.

9     4.     Except as otherwise ordered by this Court, documents marked “CONFIDENTIAL” or  
10 “SUBJECT TO PROTECTIVE ORDER” and the contents of documents so marked may be  
11 disclosed only to employees or agents of Clark County, Nevada, and the following persons:

- 12           (a)     counsel of record for Plaintiff and Plaintiff;
- 13           (b)     counsel of record for Defendants;
- 14           (c)     the non-technical and clerical staff employed by counsel of record;
- 15           (d)     interpreters and copying services employed by counsel of record’s employer to  
16 the extent reasonably necessary to render professional services in this case;
- 17           (e)     any private court reporter retained by counsel for depositions in this case;
- 18           (f)     subject to the terms of paragraph 5, persons retained by counsel to serve as  
19 expert witnesses or consultants in this case; and
- 20           (g)     personnel of the Court, including court reporters, officials and employees of  
21 the Clerk of Court, and staff of the presiding United States District Judge and United States  
22 Magistrate Judge, to the extent deemed necessary by the Court.

23     5.     If counsel for a Receiving Party determines that it is necessary to disclose any  
24 document marked “CONFIDENTIAL” or “SUBJECT TO PROTECTIVE ORDER” to any  
25 persons other than the individuals included in paragraph 4, that counsel shall set forth the  
26 grounds for the disclosure and seek the written consent of counsel for the Designating Party,  
27

28     <sup>1</sup> Available at [http://nsla.libguides.com/ld.php?content\\_id=45754235](http://nsla.libguides.com/ld.php?content_id=45754235)

1 or if during a deposition, shall seek consent on the record. The Designating Party shall  
2 respond to the Receiving Party's request within seven calendar days unless the Receiving  
3 Party agrees to a longer period. If counsel for the Designating Party does not consent,  
4 counsel for the Receiving Party and counsel for the Designating Party shall within five court  
5 days of the Designating Party's response meet and confer in person or telephonically  
6 regarding the issue, during which meeting and conference counsel for the Receiving Party  
7 shall specify the reasons why disclosure is necessary. If any agreement is not reached, the  
8 Designating Party shall move the Court within the ten calendar days of the meeting and  
9 conference for a protective order preventing disclosure. The Receiving Party shall not  
10 disclose the document unless the Designating Party has failed to file a motion within the  
11 time allowed or the Court has denied the motion.

12 6. If counsel for the Receiving Party determines that it is necessary to disclose any  
13 document marked "CONFIDENTIAL" or "SUBJECT TO PROTECTIVE ORDER" to an  
14 expert or consultants retained to render professional services in this case, that counsel shall  
15 notify counsel for the Designating Party in writing at least seven days before the proposed  
16 disclosure with the name of the expert or consultant. The Designating Party shall respond to  
17 the Receiving Party's notification within seven calendar days unless the Receiving Party  
18 agrees to a longer period. If counsel for the Designating Party objects, counsel for the  
19 Receiving Party and counsel for the Designating Party shall within five court days of the  
20 Designating Party's response meet and confer in person or telephonically regarding the  
21 issue. If an agreement is not reached, the Designating Party shall move the court within ten  
22 calendar days of the meeting and conference for a protective order preventing disclosure.  
23 The Receiving Party shall not disclose the document unless the Designating Party has failed  
24 to file a motion within the time allowed or the Court denies the motion.

25 7. Any party may object to the propriety of the designation of documents as  
26 "CONFIDENTIAL" or "SUBJECT TO PROTECTIVE ORDER" by objecting and setting  
27 forth in writing the grounds for the objection. The Designating Party shall respond to the  
28 Receiving Party's objection within seven calendar days unless the Receiving Party agrees to

1 a longer period. If an agreement is not reached, counsel for the Receiving Party and counsel  
2 for the Designating Party shall within five court days of the Designating Party's response  
3 meet and confer in person or telephonically, during which meeting and conference counsel  
4 for the Receiving Party shall specify the grounds for objection with respect to each document  
5 at issue. If the parties cannot agree, then the Designating Party will then have ten calendar  
6 days after the conference of counsel to file a motion to preserve the confidentiality  
7 designation. The burden of proof to demonstrate confidential treatment of any information at  
8 all times remain with the Designating Party. The parties shall treat the documents as the  
9 subject to this Stipulation and Order unless the Designating Party has failed to file a motion  
10 within the time allowed or the Court has denied the motion.

11 8. Before disclosing any document marked "CONFIDENTIAL" or "SUBJECT TO  
12 PROTECTIVE ORDER" to any person identified in subparagraph (c) of paragraph 4,  
13 counsel of record for the Receiving Party shall advise that person of the terms of this  
14 Stipulation and Protective Order and that he or she is bound by those terms. In addition,  
15 before disclosing any document marked "CONFIDENTIAL" or "SUBJECT TO  
16 PROTECTIVE ORDER" to any person identified in subparagraphs (d) or (f) of paragraph 4,  
17 counsel for the Receiving Party shall ensure that the person (1) has read and agrees to the  
18 terms of this Protective Order and (2) has acknowledged his or her agreement by signing a  
19 copy of the attached Acknowledgment before any such document is disclosed to him or her:

20 ACKNOWLEDGMENT

21 I have read the Stipulation and Protective Order Governing  
22 Documents Produced by the Parties in this case. I understand its  
23 terms and agree to be bound by the terms of the Protective Order. I  
24 understand that my duties under the Protective Order will survive  
25 the termination of this case and that failure to comply with its terms  
26 may result in the District Court imposing sanctions on me. I consent  
27 to personal jurisdiction of the United States District Court for the  
28 District of Nevada for the purpose of enforcing the Protective Order.

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1 9. Counsel for each party shall retain copies of the Acknowledgment forms executed by  
2 persons authorized for access on behalf of that party until this litigation, including all  
3 appeals, concludes. Nothing in this Protective Order restricts the Designation Party's own  
4 disclosure of documents marked "CONFIDENTIAL" or "SUBJECT TO PROTECTIVE  
5 ORDER."

6 10. Any person receiving access to a document marked "CONFIDENTIAL" or  
7 "SUBJECT TO PROTECTIVE ORDER" shall maintain the document, any copies of the  
8 document, and any information derived from the document in a confidential manner and  
9 shall take steps to avoid disclosure to persons not authorized under this Order to have access  
10 to the documents or information.

11 11. Within thirty days of the conclusion of this litigation, including all appeals, counsel  
12 for the Receiving Party shall destroy or send to counsel for the Designating Party all copies  
13 of documents marked "CONFIDENTIAL" or "SUBJECT TO PROTECTIVE ORDER."  
14 Notwithstanding this paragraph, however, the parties' attorneys may retain one copy of each  
15 document filed with the Court that contains or refers to any of the designated documents.  
16 Furthermore, nothing in this paragraph shall be construed to require the parties' attorneys to  
17 disclose any attorney work-product to opposing counsel.

18 12. In connection with a deposition in this case, a witness or any counsel may indicate  
19 that a question or answer refers to the content of a document marked "CONFIDENTIAL" or  
20 "SUBJECT TO PROTECTIVE ORDER." If the indication occurs on the record during the  
21 deposition, all persons not authorized to review such documents shall leave the deposition  
22 room until completion of the answers referring to the document and the reporter shall mark  
23 the transcript of the designated testimony "CONFIDENTIAL" or "SUBJECT TO  
24 PROTECTIVE ORDER."

25 13. If any party wishes to submit into the written record of this case any document  
26 marked "CONFIDENTIAL" or "SUBJECT TO PROTECTIVE ORDER" or excerpts from  
27 any such document, that party shall seek to submit the document under seal.  
28

1 14. Nothing in this Stipulation and Protective Order prevents any party from challenging  
2 any assertion of privilege by any party, and nothing in this Stipulation and Protective Order  
3 constitutes a waiver of any assertion of privilege by any party or precludes any party from  
4 moving for consideration of information ex parte and in camera.

5 15. Anyone found to be in violation of this Order may have sanctions imposed against  
6 him or her as the Court may determine and allowable under law and may also be subject to  
7 contempt of court proceedings.

8 Dated this 29<sup>th</sup> day of March, 2019.

Dated this 29<sup>th</sup> day of March, 2019.

9 KEMP & KEMP

CLARK COUNTY  
DISTRICT ATTORNEY

11 /s/ Victoria L. Neal  
12 VICTORIA L. NEAL, ESQ.  
13 Bar No.13382  
14 7435 W. Azure Dr., Ste. 110  
Las Vegas, Nevada 89130  
*Attorney for Plaintiff Johnny Kendrick*

/s/ Scott Davis  
SCOTT DAVIS  
Deputy District Attorney  
Bar No. 10019  
500 S. Grand Central Pkwy., Suite 5075  
Las Vegas, Nevada 89155  
*Attorneys for Defendant Clark County*

15  
16 **ORDER**

17 IT IS SO ORDERED.

18 Dated this 1st day of April, 2019.

19  
20   
21 \_\_\_\_\_  
22 UNITED STATES MAGISTRATE JUDGE